

A. G. Contract No. KR94 0954TRN  
ECS File No.: 94-86  
Project: N-900-556/H3223 01C  
Section: Fool Hollow Recreation  
Area State Park

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF SHOW LOW

THIS AGREEMENT is entered into 14 December, 1994, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SHOW LOW, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to improvements to Fool Hollow Recreation Area State Park contemplated by the State, for the safety and benefit of the motoring public it is necessary to construct left and right turn lanes on the park access road (Old Linden Road near North 32nd Avenue), a new cul-de-sac on the north end of North 22nd Avenue and a new cul-de-sac on North 32nd Avenue (between Old Linden Road and Hansen Street) in the City. The City has agreed to maintain the improvements after construction by the State.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO.	<u>19251</u>
FILED WITH	SECRETARY OF STATE
Date Filed	<u>12/14/94</u>
	<u>Richard Mahoney</u>
	Secretary of State
By	<u>Vicky Greenwood</u>

## II. SCOPE OF WORK

### 1. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate City review comments.

b. Call for bids and award one or more construction contracts for the work. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation attributable to the State.

c. Upon completion, and with the concurrence of the City, approve and accept the work as complete.

### 2. The City will:

a. Review the design documents and provide comments.

b. Upon completion and acceptance by the State, provide maintenance to the turn lane improvements on Old Linden Road and the cul-de-sacs on North 22nd Avenue and North 32nd Avenue.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Show Low  
City Manager  
200 West Cooley  
Show Low, AZ 85901

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SHOW LOW


STATE OF ARIZONA

Department of Transportation

By   
Mayor

By   
ROBERT P. MICKELSON  
Chief Deputy State Engineer

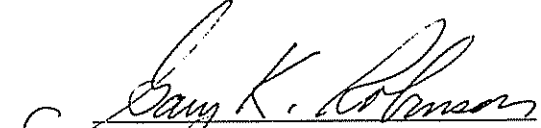
ATTEST

By   
LIZ A. BURKE  
City Clerk

RESOLUTION

BE IT RESOLVED on this 29th day of April 1994, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Show Low for the purpose of defining responsibilities for the design and construction of improvements to Fool Hollow Recreation Area State park access road in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

  
for LARRY S. BONINE  
Director

CITY OF SHOW LOW RESOLUTION NO. 674


A RESOLUTION OF THE MAYOR AND  
COUNCIL OF THE CITY OF SHOW LOW,  
ARIZONA APPROVING AN INTERGOVERN-  
MENTAL AGREEMENT WITH THE ARIZONA  
STATE DEPARTMENT OF TRANSPORT-  
ATION, AND AUTHORIZING EXECUTION OF  
SAID AGREEMENT

**ENACTMENTS:**

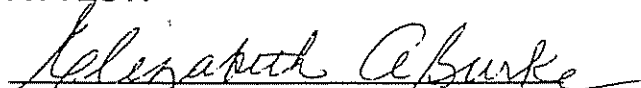
NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Show Low hereby approves the Intergovernmental Agreement with the Arizona State Department of Transportation for the construction of roadway improvements within City rights-of-way in connection with the proposed Fool Hollow Lake Recreation Area Access and Internal Circulation Improvements, and the acceptance and maintenance of those roadway improvements; and

BE IT FURTHER RESOLVED that Mayor Gerry Whipple is hereby authorized to execute said agreement on behalf of the City of Show Low.

PASSED AND ADOPTED this 15th day of November, 1994, by the Mayor and Council of the City of Show Low, Arizona.

  
Gerry Whipple, Mayor

**ATTEST:**

  
Elizabeth A. Burke, City Clerk

**APPROVED AS TO FORM:**

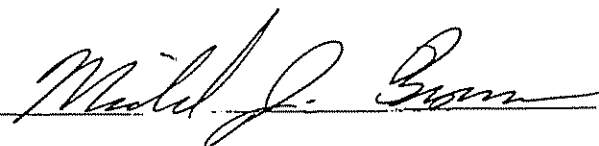
  
David A. Brown, Interim City Attorney

JPA 94-86

APPROVAL OF THE SHOW LOW CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF SHOW LOW and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 15<sup>th</sup> day of November, 1994.

  
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City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

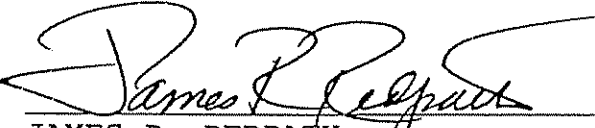
INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR94-0954-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 8th day of December, 1994.

GRANT WOODS  
Attorney General

  
JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
8661G